

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**JEFF YOUNG,**  
 Plaintiff,  
 vs.  
**CREE, INC.,**  
 Defendant.

CASE NO. 17-cv-06252-YGR

**ORDER DENYING MOTION FOR CLASS  
 CERTIFICATION & DENYING AS MOOT  
 MOTIONS TO STRIKE AND EXCLUDE**

Re: Dkt. Nos. 79, 82, 85, 90, 93, 105

On May 28, 2019, the Court heard oral argument on plaintiff's motion for class certification, which was fully briefed.<sup>1</sup> (Dkt. Nos. 79, 86, 91.) As stated on the record, and confirmed herein, having carefully considered the briefing and arguments submitted in this matter, plaintiff's motion for class certification is **DENIED** without prejudice.<sup>2</sup> Accordingly, and as noted on the record, the Court **SETS** a compliance hearing for **June 21, 2019** on the Court's **9:01 a.m.** Calendar. By no later than **Friday, June 14, 2019**, parties **SHALL** file a joint statement outlining a proposed schedule.

This Order terminates Docket Numbers 79, 82, 85, 90, 93, and 105.

**IT IS SO ORDERED.**

Dated: May 29, 2019

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**

<sup>1</sup> In conjunction with their motion for class certification and reply in support thereof, plaintiff has filed two Administrative Motions to Seal. (Dkt. Nos. 82, 90.) Plaintiff has met the procedural requirements of Civil Local Rule 79-5. (See Dkt. Nos. 102, 103.) Both motions are "brought solely pursuant to Rule 79-5(e)" based on material designated by defendant as confidential or privileged. (Dkt. Nos. 82 at 1; 90 at 1.) Because defendant, as the designating party, has failed to file a declaration establishing that all of the designated material is sealable, as required by Rule 79-5(e)(1), the Court **DENIES** plaintiff's administrative motion to seal.

<sup>2</sup> Therefore, defendant's related motion to strike report and exclude testimony of Stefan Boedeker (Dkt. No. 85) and plaintiff's motion related motion to strike report and exclude testimony of Jesse David (Dkt. No. 93) are **DENIED AS MOOT** without prejudice. Plaintiff's related administrative motion to seal (Dkt. No. 105), thus **DENIED AS MOOT** as well.